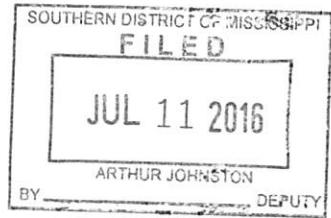


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION



CHARLES COACH, )  
 )  
 Plaintiff, ) Case No. 5:16-cv-63 KS-MTP  
 )  
 vs. )  
 )  
 UNION SECURITY INSURANCE COMPANY and )  
 JOHN DOE DEFENDANTS 1 THROUGH 3, )  
 )  
 Defendants. )

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, *et seq.*, defendant, Union Security Insurance Company (“USIC”) files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On March 16, 2016, plaintiff, Charles Coach (“Coach”) commenced a civil action in the Circuit Court of Adams County, Mississippi (“the State Court”), bearing the style, *Charles Coach v. Union Security Insurance Company and John Doe Defendants 1 Through 3*, Docket No. 16-KV-0017-J (“the Civil Action”). The Civil Action is still pending in the State Court.
2. USIC was served with a copy of the Summons and Complaint in the Civil Action on June 15, 2016, copies of which are attached as Exhibit A, and which constitute all process, pleadings, and orders served on USIC in the Civil Action to date.
3. Attached as Exhibit B pursuant to Rule 5(b) of the Local Rules of this Court, is a copy of the entire state court record in the format required by the Administrative Procedures for Electronic Case Filing for this Court.
4. USIC has, to date, made no appearance in the Civil Action in State Court.

5. The Civil Action is one of which this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) The Complaint asserts a claim to recover benefits, to enforce rights, and/or to clarify rights to future benefits under USIC's group Policy No. 7999989 in which Coach's spouse's employer, Natchez Regional Medical Center was a Participating Employer ("the Policy") (copy attached as Exhibit C).
- (b) The Policy funds benefits under an "employee welfare benefit plan" that is governed exclusively by the Employee Retirement Income Security Act ("ERISA") 29 U.S.C. § 1001, *et seq.* The Policy is a "plan document" under a plan which is established or maintained by an employer as defined by ERISA, 29 U.S.C. § 1002(1) (see Employer Application, Exhibit D at 9) and Coach purports to be a participant in the plan (see Complaint, Exhibit A at 2, paragraph 6);
- (c) Coach's sole and exclusive remedy against USIC, if any, for the losses suffered and benefits claimed arises under ERISA, 29 U.S.C. § 1132(a)(1)(B), and accordingly, any state law claim for benefits is completely preempted and displaced by the civil enforcement provision of ERISA, Section 502, 29 U.S.C. § 1132, *Metropolitan Life Ins. Co. v. Taylor*, 481 U.S. 58 (1987); and
- (d) This Court has original jurisdiction of Coach's claim for benefits under the civil enforcement provision of ERISA, 29 U.S.C. § 1132(e)(1), which gives this Court jurisdiction without regard to the amount in controversy or the citizenship of the parties.

6. USIC has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

7. The judicial district and division of this Court embraces Adams County, Mississippi, the place where the Civil Action is pending.

8. USIC will give written notice to plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Adams County, Mississippi. USIC attaches a copy of the Notice of Filing of Notice of Removal as Exhibit E.

WHEREFORE, defendant, USIC prays that the Civil Action now pending against it in the Circuit Court of Adams County, Mississippi be removed therefrom to this Court.

This the 11<sup>th</sup> day of July, 2016.

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of July, 2016, a copy of the above pleading was served via the District Court ECM/ECF system, and by first class United States mail, postage prepaid, on the following counsel of record:

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